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IN THE UNITED STATES FEDERAL  
District Court for Middle District  
P.O. Box 711, Montgomery, AL

2006 JUN 20 A 10:01

DEBRA P. HACKEFF CLK  
U.S. DISTRICT COURT  
MONTGOMERY, ALA

36138

CV-3:06cv547-MHT

EXHIBIT  
"A"

TERRY LEON CARR #142607  
Petitioner

vs  
State of Alabama  
Respondents

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PETITIONER TRAVERSE IN SUPPORT OF HIS  
HABEAS CORPUS PETITION PURSUANT 28 U.S.C.  
2254, F.R.C.P. 8(a)(2) ON MERITS, F.R.C.P. 56(e)

Affidavit

I.

The Petitioner Is OVER the AGE of TWENTY-ONE  
And Competent to Testify By His Writ  
Ad Testicium to this 2254, GENUINE ISSUES

I.

WHETHER the Trial Court for the LEE County  
Jurisdiction, Should Have Knowned They were  
Not Allowed to Use A Baton vs. Kentucky  
Jury Voiced, AND failure to Give the  
Instruction By Same Jury Trial, Violated Petitioner  
Rights.

## TABLE OF CITATIONS

Paq E(s)

二

WHETHER HABEAS CORPUS  
IS AVAILABLE TO EFFECT  
DISCHARGE FROM ANY  
CONFINEMENT CONTRARY TO  
THE CONSTITUTIONS OR  
FUNDAMENTAL LAW, EVEN  
THOUGH IMPOSED PURSUANT  
TO CONVICTION BY A COURT  
OF COMPETENT JURISDICTION

## Alabama Code 1975

Title 13A-6-4, Code 1975 - - - - - 2,  
II.

THE RELEVANT INQUIRY WAS  
CONFINED TO DETERMINING  
SIMPLY WHETHER OR NOT THE  
COMMITTING COURT HAD JURIS-  
DICTION?

Ex parte Kearney, 7 Wheat 38, 5. L. Ed 391 (1822)

*Ex parte watkins*, 3 Pet 193, T.L.Ed 650 (1830)

## Statement of Case

OVER THE YEARS, THE WRIT OF HABEAS CORPUS  
EVOLVED AS A REMEDY AVAILABLE TO EFFECT-  
DISCHARGE FROM ANY CONFINEMENT; CONTRARY  
TO THE CONSTITUTIONS, OR FUNDAMENTAL LAW,  
EVEN THOUGH IMPOSED, PURSUANT TO CONVICTION  
BY A COURT OF COMPETENT JURISDICTION

### III

WHETHER ANY BENTON JURY SITTING UNCONSTITU-  
TIONAL, HAS ANY AUTHORITY TO RENDER ANY  
VERDICT?

JURISDICTION  
28 U.S.C. 2254

GIVE THE UNITED STATES FEDERAL COURTS WIDE  
JURISDICTION I.E. TO FASHION [A] REMEDY  
AVAILABLE TO EFFECT DISCHARGE FROM ANY  
CONFINEMENT.

see, Ex parte Kearney 7 Wheat 38, 5 L.Ed 391  
(1822)

Ex parte Watkins, 3 Pet 193, 7 L.Ed 650  
(1830) OVER THE YEARS, THE WRIT OF HABEAS  
CORPUS EVOLVED AS A REMEDY AVAILABLE  
TO EFFECT DISCHARGE FROM ANY CONFINEMENT

see attached:

Statement of Facts

Count ONE : CC-85-745

The Grand Jury of said County of LEE, charge  
that before the finding of this Indictment, e.g.  
Terry LEON CARR, Alias Terry LEON CARR,  
whose True Christian Name Is otherwise  
Unknowned to the Grand Jury, did Intentionally  
Cause the death of Another Person,  
13A-6-4 (2) Having BEEN Identified as  
George William Woods, CountONE by Stabbing  
Him with A knife, In Instructional Violation  
13A-6-2

Count Two : CC-85-745

The Grand Jury Sitting In Violation of Batson  
By the Jury Beeing All white, Charge that  
Before the finding of this Indictment,  
Terry LEON CARR, Alias Terry LEON CARR,  
whose True Christian Name Is otherwise  
Unknowned to the Grand Jury, did Intentionally  
Cause the DEATH of Another Person, B/m  
Deceast Identified as George William Woods  
By Stabbing Him with A knife, In Violation  
At All Elements 13A-6-3, Code 1975

Count THREE CC-85-745

III.

The Grand Jury of said County (Lee) charged that before the finding of this Indictment A.K.A. Terry LEON CARR, Alias Terry LEON CARR, whose true Christian name is otherwise unknown to the Grand Jury, did Intentionally cause the death of another Person, Identified as George William Woods, By Stabbing him with a knife, In Violation 13A-6-4 (C) Code of Alabama 1975

Authorities

Chavers v. State, 361 So. 2d 1106 through 1107  
Contentds when 2 Person Is Charged with  
Murder, the Trial Judge must Instruct on  
All the Elements of Murder, 13A-6-2, 13A-1-9(2),  
13A-6-3, 13A-6-4 (C) and the failure to do so, Results for Reversal, 28 U.S.C. 2254

Facts

the Accused, must know without a reasonable doubt what he is called upon to defend against, whether Involuntary Manslaughter? Is [A] Felony? At, 13A-6-4 (2)(C). Const Amendment 6th.

ISSUES:

I.

When the Trial Court failure to Instruct on all the Elements of Constitution LESSER - Degree of Criminally Negligent Homicide, did the Trial Court ERROR, BY their Batson ERROR additional to Instruct on All The Elements of Involuntary manslaughter?

Info: See Chavers v.state 361 So.2d 1106 - 1107  
Ex parte Chavers v.state Additional  
RE: Cog.

II

When A Convicted Defendant failed to file an APPEAL DUE to the Court Being IN Receipt of Losing the Batson Jury Voited Transcript, whether same made any APPEALS, untimely, as same was Not, the Procedural Default of the Prose Petitioned  
See Strickland v. Washington, 466 US at 668 when Counsel IS UNETHICAL by Seeing that AND ALL WHITE JURY were sitting IN - Violation, of Batson, Counsel Should have Moved for mistrial, Brady v. United States supra. L7

ISSUES

III, IV,

whether the Involuntary manslaughter  
of George William Woods was  
A Felony, 28 U.S.C. 2254 U.S.C.A. 6th,  
14th E.g. Presler v. Rodriguez, 411 U.S. at 488  
448 at 449 28 U.S.C. 2671 et seq., Title  
15-19-1, Code 1975, the Retroactive  
Issue would suggest, A Baton Jury was  
Empowered for youthful offender  
By Charge of Involuntary manslaughter  
13A-6-4 (c)

V.

whether the writ of habeas corpus Is the  
Proper remedy to Be Invoked for  
Release from any unconstitutional  
Confinement, 411 U.S. 487 f.R.C.P. 8(c)(2)

Certificate of Service

I, Terry Leon Carr #142607 did hereby  
complete and forward same Traverse  
with his 28 U.S.C. 2254

In the United States Federal Court  
at their address P.O. Box 711  
United States Federal Court  
Montgomery, Alabama 36130

By delivering same to respondents at  
11 Union Street  
Legal Division  
Montgomery, AL 36130

DONE this June 19<sup>th</sup> day,  
2006, by depositing same  
in United States Mail Postage Paid

Proof of Service:

By Terry Leon Carr #142607  
P.O. BOX 5107 DORM 1-16  
Bullock Mental Health FAC.,  
UNION SPRINGS, AL.  
36089

To Respondents:  
To Petitioners:  
To U.S. Clerk:  
Middle District  
Court